



U.S. Department of Transportation  
**Pipeline and Hazardous Materials Safety Administration**  
Office of Governmental, International and Public Affairs  
Washington, D.C.

## Enforcement Notice

PHMSA # 01-06  
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### **Pipeline and Hazardous Materials Safety Administration March 2006 Notice of Hazardous Materials Regulations Enforcement**

The Pipeline and Hazardous Materials Safety Administration (PHMSA) today gave notice to the regulated industry and its stakeholders of the 43 hazardous materials civil penalty cases it closed in the months of November and December 2005 for violations of the Hazardous Materials Regulations (HMR) (49 Code of Federal Regulations Parts 171 – 180). For calendar year 2005, PHMSA closed a total of 392 hazardous materials civil penalty cases and collected \$1,807,789 in penalties. Beginning with this notice PHMSA will title each notice with the month that it is issued vice the month that the cases were actually closed.

It is the task of PHMSA's inspection and enforcement staff to improve compliance with the safety and training standards of the HMR by inspecting companies and individuals who offer hazardous materials for transportation or who manufacture, maintain, repair, recondition or test packages authorized for transporting hazardous materials.

Company	SUMMARY	Penalty
AAA Fire & Safety Equipment Company, Inc. Austin, TX (Cylinder Retester)	Failed to demonstrate the accuracy of the pressure-indicating device on the test equipment at a point within 500 psi of the actual test pressure for pressures at or above 3,000 psi; failed to maintain complete and accurate records of cylinder re-qualification; failed to provide recurrent employee training. [180.205(g)(3)(i), 180.215(b), 172.702(b) and 172.704(c)(2)] Case No. 04-236-CR-SW	\$3,035
Allied Building Products Corporation Denver, CO (Shipper)	Failed to develop and adhere to a security plan; offered hazardous materials accompanied by a shipping paper that failed to include the proper shipping name, UN identification number, and a signed shipper's certification. [172.800(b)(7), 172.802, 172.202(a)(1) and (3), and 172.204(d)] Case No. 05-0359-SBD-SW	\$3,750

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Company	SUMMARY	Penalty
Arcadian Chemical Service Florence, AL (Shipper)	Failed to develop and adhere to a security plan. [172.800(b) and 172.802(b)] Case No. 04-551-SD-SO	\$1,800
Boston Fire Extinguisher Co., Inc. Lynn, MA (Cylinder Retester)	Failed to verify the accuracy of the test equipment within 500 psig of the actual test pressure for pressures at or above 3,000 psi; failed to maintain complete and accurate records of cylinder re-qualification; failed to provide security awareness and recurrent employee training, or create and retain records of training testing. [180.205(g)(3)(i), 180.215(b), 172.702(b), 172.704(a)(4), 172.704(c)(2) and 172.704(d)] Case No. 05-0226-CR-EA	\$3,070
Camco Chemical Company Florence, KY (Shipper)	Offered corrosive solid, n.o.s. (containing sodium metasilicate), in unauthorized, non-UN standard packaging. [173.202(b) and 173.22(a)] Case No. 05-0383-SP-SO	\$3,750
China National Chemical Construction Shenzhen Co. Shenzhen, China (Shipper)	Offered ammonium hydrogendifluoride, solid, 8, and failed to (1) declare the material as hazardous on a shipping paper, and (2) mark or label packagings to indicate the presence of hazardous material, thereby creating an undeclared shipment. [172.200(a), 172.201 and 172.301(a)] Case No. 02-609-FSBG-EA	\$18,050
Envirochem Memphis, TN (Shipper)	Failed to develop and adhere to a security plan. [172.800(b) and 172.802(a) and (b)] Case No. 04-561-SD-SO	\$3,000

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Company	SUMMARY	Penalty
Kaufman Products, Inc. Baltimore, MD (Shipper)	Offered corrosive liquid, n.o.s. (alkaline amine), 8, in unauthorized UN-standard non-bulk packagings certified for solids; failed to mark packagings with the proper shipping name, hazardous constituents, identification number and orientation arrows on two opposite sides; offered corrosive liquid, n.o.s. (alkaline amine), 8, accompanied by shipping papers that contained unauthorized abbreviations within the shipping description and failed to include the technical name of the hazardous material; failed to register with RSPA, failed to provide general awareness and function-specific training. [173.203(a), 173.22(a)(2), 172.301(a) and (b), 172.312(a), 172.316(a), 172.201(a)(3), 172.202(a)(2), 172.203(k), 107.601(a)(6), 172.702(b) and 172.704(a)(1) and (2)] Case No. 04-089-SP-EA	\$9,125
A.G. Layne, Inc. Los Angeles, CA (Shipper)	Offered acetone, 3, and toluene, 3, in unauthorized, non-UN standard, non-bulk packagings. [173.202(a) and (b) and 173.22(a)(2)] Case No. 05-0216-SB-WE	\$7,600
New York Environmental Services Corp. Oneonta, NY (Shipper)	Offered regulated medical waste, 6.2, in non-bulk packaging that was not filled, closed, and maintained as required, resulting in leakage. [173.134(b)(3)(ii) and 173.24(b)] Case No. 01-630-SB-EA	\$5,400
North American Composites, Inc. Nashville, TN (Shipper)	Offered resin solution, 3, in portable tanks marked DOT 57 and in intermediate bulk containers marked UN31A that had not been retested for leakproofness in more than 2.5 years prior to reuse; failed to close reconditioned 55-gallon steel drums in accordance with the reconditioner's closure notification. [180.352(a) and (b)(1), 173.32(a)(2), 180.605(c)(1) and (3), 173.22(a)(4) and 173.24(b) and (f)(2)] Case No. 05-0143-SD-SO	\$3,200

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Company	SUMMARY	Penalty
Novelty Incorporated Greenfield, IN (Shipper)	Offered lighters containing flammable gas, 2.1, when the lighters and their packaging had not been examined by an authorized agency and approved by the Associate Administrator for Hazardous Materials Safety; offered lighters containing flammable gas, 2.1, in unauthorized packaging; failed to mark or label packagings containing lighters; failed to prepare shipping papers; offered a non-hazardous material in a packaging that was marked and labeled as hazardous; failed to provide employee training. [177.801, 173.21(i), 178.503(a)(4)(ii), 173.22(a)(2), 173.24(a)(1) and (c)(1), 172.102(c)(5) Special Provision N10, 177.407(c)(1), 172.301(a), 172.400(a), 172.604, 172.602(a)-(c), 172.600(a),(b), (c)(1) and (2), 172.202(a)(1)-(3), 172.201(a), Approval T-0449, 172.240(a)(1), 172.303(a)(1), 172.702(b) and 172.704(a)(1)-(3)] Case No. 02-354-SB-EA	\$22,140
Pyro Formex, Inc. San Jose, CA (Shipper)	Failed to provide the foreign shipper and the forwarding agent at the place of entry into the United States with timely and complete information about the regulatory requirements that would apply to the shipment within the United States; failed to provide general awareness and function-specific training, or create and retain records of training testing; failed to register with RSPA/PHMSA. [171.12(a), 172.702(b), 172.704(a)(1) and (2), 172.704(d), 107.601(a)(6) and 107.608] Case No. 02-396-SE-EA	\$3,638
Restek Corporation Bellefonte, PA (Fiber Box Manufacturer, Shipper)	Represented, marked, and certified combination packages as meeting the UN4G/X standard, when they had not been subjected to periodic retesting. [178.3(b) and 178.601(a) and (e)] Case No. 05-0278-BMS-EA	\$6,885
Rita Corporation Crystal Lake, IL (Shipper)	Failed to register with RSPA/PHMSA; failed to develop and adhere to a security plan; failed to provide employee training, or create and retain records of training testing. [107.608(b), 107.612, 172.702(b), 172.704(a)(4) and (5), 172.704(d) and 172.800(b)] Case No. 05-0187-SB-CE	\$3,900

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Company	SUMMARY	Penalty
SUNY Health Science Center d/b/a University Medical Center Syracuse, NY (Shipper)	Offered regulated medical waste, 6.2 in inner packagings that were not closed as required and offered sharps in inner plastic bags; offered sharps in roll-on cart bulk containers with no inner packaging; offered regulated medical waste, 6.2, in unauthorized inner packagings that were not manufactured in accordance with ASTM standards. [173.197(e)(1)(i) and (e)(3), 173.22(a)(2)] Case No. 04-378-SBG-EA	\$17,235
Sunbelt Pools Dallas, TX (Shipper)	Failed to develop and adhere to a security plan; offered hazardous materials accompanied by shipping papers that failed to include an authorized emergency response telephone number; failed to provide employee training. [172.800(b), 172.802(a) and (b), 172.201(d), 172.604(a)(3) and (b), 172.702(a), (b) and (d) and 172.704(a)(1)-(4)] Case No. 04-550-SBD-SW	\$1,180
Tarrant Interiors, Inc. Fort Worth, TX (Shipper)	Failed to develop and adhere to a security plan. [172.800(b) and 172.802] Case No. 05-0340-SD-SW	\$2,700
Trevose Oil Transportation Co. Bensalem, PA (Shipper/Carrier)	Failed to develop and adhere to a security plan; failed to provide employee training or create and retain records of training testing; failed to register with RSPA/PHMSA. [172.800(b), 177.800(b), 172.702(b), 172.704(a)(1)-(5), 172.704(d), 107.608(b) and 107.612] Case No. 04-629-SCT-EA	\$3,360
Voith Fabrics Shreveport, LA (Shipper)	Failed to develop and adhere to a security plan; failed to close packagings in accordance with the manufacturer's closure notification; failed to provide security awareness training. [172.800(b), 172.802, 173.22(a)(4), 173.24(f)(2), 172.702(b) and 172.704(a)(4)] Case No. 05-0328-SD-SW	\$3,098
Warren Paint & Color Company Nashville, TN (Shipper)	Failed to develop and adhere to a security plan. [172.800(b) and 172.802] Case No. 04-293-SP-SO	\$3,150

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Company	SUMMARY	Penalty
Wiley Sanders Truck Lines, Inc. Troy, AL (Carrier)	Accepted and transported batteries, wet, filled with acid, that were not secured in a manner that could withstand conditions normally incident to transportation, thereby resulting in a release of the material; accepted and transported batteries in packaging that was not marked with the proper shipping name, UN identification number and the shipper's name and address; accepted and transported hazardous material in packaging that was not properly labeled. <u>Note</u> : Two violations were held in abeyance. [177.839(b), 177.834(a), 173.159(c)(1), 173.24(b)(4), 172.301(a)(1) and (d), 171.2(b) and 172.400(a)] Case No. 05-0289-CAR-SO	\$4,500
ARB Enterprises, Inc. Chatanooga, TN (Shipper)	Failed to develop and adhere to a security plan; offered corrosive liquid basic, inorganic, n.o.s. (containing potassium hydroxide), accompanied by a shipping paper that failed to include a shipper's certification and an emergency response telephone number; failed to create and retain records of employee training testing. [172.800(b), 172.604(a)(2) and (b), 172.204(a), and 172.704(d)] Case No. 05-0356-SD-SO	\$6,175
Alchem Chemical Company Atlanta, GA (Shipper)	Offering alkyl sulfonic, liquid, 8, in an unauthorized non-UN standard packaging. [173.241(d), 173.24(c), and 173.22(a)(2)] Case No. 05-0434-SIBC-SO	\$2,800
Ashland Distribution Company Midland, TX (Shipper)	Offered hydrochloric acid in a UN31HA1 intermediate bulk container (IBC) and methyl ethyl ketone in a DOT 57 portable tank, when those packagings had not been reinspected or retested within the past 2.5 years, and therefore out-of-test; represented that the out-of-test IBC was authorized for the transportation of hazardous materials. [180.605(c)(3), 180.603(a), 173.35(a), 180.352(a), and 173.32(a)(2)] Case No. 05-0026-SIBC-SW	\$11,700

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Company	SUMMARY	Penalty
Associated Industries, Inc. Wichita, KS (Shipper)	Failed to develop and adhere to a security plan; failed to provide general awareness, function-specific, safety, and security awareness training. [172.802, 172.800, 172.704(a)(1)-(4), and 172.702(b)] Case No. 05-0242-SD-SW	\$6,100
Chattem, Inc. Chattanooga, TN (Shipper)	Failing to register with RSPA/PHMSA; failed to develop and adhere to a security plan; offered ethanol solution, 3, accompanied by a shipping paper that failed to list an emergency response telephone number. [107.601(a)(6), 107.608(a) and (b), 172.800(b), and 172.604(a)] Case no. 05-0399-SB-SO	\$7,140
Cisco, Inc. Grand Rapids, MI (Shipper)	Failed to develop and adhere to a security plan; failed to provide employee training, including security awareness training. [171.2(a), 172.802(a) and (b), 172.800(b), 172.702(b), and 172.704(a)(1) – (4)] Case No. 05-0342-BAT-CE	\$3,330
Coastal Plating Company Corpus Christi, TX (Shipper)	Failed to develop and adhere to a security plan; failed to provide required employee function-specific and security awareness training. [172.802(a) and (b), 172.800(b), 172.702(b), and 172.704(a)(2) and (4)] Case No. 05-0463-SCT-SW	\$2,870
Colonial Chemical, Inc. South Pittsburg, TN (Shipper)	Filled and offered other regulated substances, liquid, n.o.s., 9, NA3082, PG III, in unauthorized, non-UN-standard poly-lined fiberboard intermediate bulk containers. [173.241(d) and 173.22(a)] Case No. 04-505-SIBC-SW	\$3,960
Ecolab, Inc. Hebron, OH (Shipper)	Offered corrosive solid, n.o.s. (containing sodium metasilicate), in unauthorized, non-UN-standard packaging. [173.202(b) and 173.22(a)(2)] Case No. 05-0381-SP-SO	\$4,220

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Company	SUMMARY	Penalty
FFG Industries, Inc. d/b/a Technology Flavors & Fragrances Amityville, NY (Shipper)	Failed to develop and adhere to a security plan; failed to provide required employee general awareness, function specific, safety, and security awareness training; offered extracts, flavoring liquid, 3, accompanied by a shipping paper with a shipping description that included an incorrect packing group. [172.800(b), 172.802(a), 172.702(a), 172.704(a)(1)-(4) and (c), and 172.202(a)(4)] Case No. 05-0506-SD-EA	\$6,100
FedEx Ground, Inc. Coraopolis, PA (Carrier)	Accepted and transported xylene, 3, in an unauthorized non-UN standard packaging. [173.212(a)] Case No. 05-0261-CAR-SO	\$6,300
Mayo Medical Laboratories Rochester, MN (Box Manufacturer)	Manufactured, marked, certified, and sold fiberboard boxes as meeting the UN4G Standard when the boxes had not been subjected to periodic retesting and were marked with an incorrect UN certification number. [178.2(b) and (d) and 178.601(e)] Case No. 05-0265-BM-CE	\$1,875
Olson By Products, Inc. d/b/a Jones Barrel Co. Omaha, NE (Drum Reconditioner)	Represented, marked, and certified reconditioned 55-gallon plastic drums as meeting the UN1H1 standard, and reconditioned 55-gallon closed-head and open-head steel drums as meeting the UN1A1 and UN1A2 standards, when the drums had not been subjected to leakproofness testing; failed to create and retain employee training records. [178.604, 173.28(b)(2)(i), 172.704(a) and (d), and 171.2(c)] Case No. 05-0365-DR-CE	\$6,350
Poseidon Adventures, LTD. Tulsa, OK (Cylinder Retester)	Failed to (1) verify the accuracy of the test equipment to within one percent of the calibrated cylinder's pressures and corresponding expansion values, and (2) calibrate the test equipment to within 500 psi of actual test pressure for test pressures at or above 3,000 psi; failed to notify the cylinder owner in writing that a cylinder had been rejected or condemned. [180.205(g)(3) and (4), 180.205(i)(2), and 180.205(h)(2)] Case No. 03-212-CR-SW	\$1,600
Printpack, Inc. Hendersonville, NC (Shipper)	Failed to develop and adhere to a security plan. [172.800(b) and 182.802] Case No. 05-0362-SD-SO	\$4,500



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Company	SUMMARY	Penalty
Rudd Company, Inc. Seattle, WA (Shipper)	Offered flammable liquid n.o.s. (containing isopropyl alcohol), in unauthorized packaging; failed to close 55-gallon steel drums in accordance with the manufacturer's closure notification. [173.22(a)(2), 173.22(a)(4), 173.24(c)(1), 173.24(f)(2), and 173.202(a) and (b)] Case No. 05-0335-SBD-WE	\$7,375
SSC Industries Atlanta, GA (Shipper)	Failed to develop and adhere to a security plan; failed to create and retain records of employee training testing. [172.800(b)(7), 172.802(b), and 172.704(d)] Case No. 05-0374-SPT-SO	\$3,825
Stepan Company, Inc. Fieldsboro, NJ (Shipper)	Offered ethanol solution, 3, by air in UN packagings were not closed as required and therefore, unauthorized; failed to develop a complete security plan. [173.27(d), 173.22(a)(4), 173.24(f)(2), 172.800(b), and 172.802(a)] Case No. 05-0377-SP-EA	\$6,950
True Value Company Jonesboro, GA (Shipper)	Offered paint, 3, in unauthorized non-UN standard non-bulk packaging. [173.22(a)(2) and 173.173(b)(1)] Case No. 05-0269-SP-SO	\$5,950
Ventura Coastal Corporation Ventura, CA (Shipper)	Failed to develop and adhere to a security plan [172.800(b) and 172.802] Case No. 05-0387-SD-WE	\$2,250
W. F. Taylor Dalton, GA (Shipper)	Failed to develop and adhere to a security plan. [172.800(b)(7)] Case No. 05-0504-SP-SO	\$4,275

**Total number of cases - 43**  
**Total civil penalties - \$239,211**

## **PHMSA Notice of Hazardous Materials Regulations Enforcement**

On February 17, 2006, PHMSA revised its regulations to reflect revisions to the civil and criminal penalties in the Hazardous Materials Safety and Security Reauthorization Act. Also revised were baseline assessments for violations related to training and security plans. The revised regulations reflect the following statutory changes:

- (1) The maximum civil penalty was increased from \$32,500 to \$50,000 for a knowing violation, and to \$100,000 if the violation results in death, serious illness or severe injury to any person, or substantial destruction of property.
- (2) The minimum civil penalty has reverted from \$275 to \$250, except a minimum civil penalty of \$450 applies to a violation related to training.
- (3) Criminal penalties now apply to both reckless and willful violations of Federal hazmat transportation law or the regulations, orders, special permits, and approvals issued.
- (4) The maximum criminal penalty of 5 years imprisonment and a fine of \$250,000 for an individual and \$500,000 for a corporation was retained, except the maximum time of imprisonment has been increased to 10 years in any case in which the violation involves the release of a hazmat which results in death or bodily injury to a person.

### **Hazardous Materials Initiatives and Training:**

PHMSA uses a number of tools in meeting its goal to improve hazardous materials safety. Enforcement is but one useful safety tool and training is another. The PHMSA Office of Hazardous Materials Initiatives and Training (OHMIT) provides products and programs that aid the regulated industry's compliance with the HMR. Last year, the PHMSA Hazmat Safety Assistance Team reached over 13,000 individuals in the hazmat community, provided over 330 hazmat awareness presentations, and distributed over 40,000 standard information packets. The OHMIT training program includes Multimodal Hazardous Materials Transportation Training Seminars held throughout the country that drew nearly 1,000 participants last year. For 2006, seminars are planned for Seattle, WA, March 14-15; Newark, NJ, May 16-17; and Chicago, IL, August 22-23. For more information on hazardous materials seminars and one day work shops, go to the PHMSA hazardous materials web site at <http://hazmat.dot.gov/training/training.htm>.

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